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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,717	09/26/2003	Mark Willer	066042-9415-01	1118
23409 7590 04/11/2007 MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER ALIE, GHASSEM	
			ART UNIT 3724	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/11/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/672,717	WILLER ET AL.	
	Examiner	Art Unit	
	Ghassem Alie	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/20/07.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4,6-8,10,11,15-20,44 and 46-61 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,6-8,10,11,15-20,44 and 46-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/02/07</u>  | 6) <input type="checkbox"/> Other: _____                                    |

1. This action is response to the RCE filled on 02/02/07. Currently claims 4, 6-8, 10-11, 13, 15-20, 44, and 46-61 are bending. Claim 13 has been withdrawn.

***Drawings***

2. The drawings are objected to because drawing sheets are not numbered. It should be noted that each drawing sheet has to have a number in the middle of the top margin of the sheet. In case, the first drawing sheet should be numbered as 40/1 and the last drawing sheet should be numbered as 40/40.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 44, 50-54, and 56-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds (4,382,334). Regarding claim 44, Reynolds teaches a housing 12, 14 and a motor at least partially positioned within the housing and operable to drive a saw blade 22. Reynolds also teaches a cover 46 selectively connectable to the housing 12, 14 and the cover 46 at least partially covering the saw blade when the cover is connected to the housing. It should be noted that cover 46 partially covers part of the saw 22 that located inside the housing 12, 14. See Fig. 4. Reynolds also teaches a quick-locking member 49 connected to one of the housing and the cover and engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Reynolds also teaches that the quick-locking member 49 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the housing. Reynolds also teaches that the quick locking member 49 is pivotable between the first position and the second position. See Figs. 1-4 and col. 3, lines 35-68 and col. 4, lines 1-49 in Reynolds.

Regarding claim 50, Reynolds teaches everything noted above including that the quick-locking member 49 includes is connected to the housing 12, 14 and is engageable with the cover 46.

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Regarding claim 51, Reynolds teaches everything noted above including that the cover 46 includes defines a recess and the quick-locking member 49 includes a locking portion 57 engageable with the recess to lock the cover to the housing. It should be noted that the hook 59 of the housing defines a recess that receives the locking member 57 of the quick-locking mechanism 49.

Regarding claim 52, Reynolds teaches everything noted above including that the cover 46 at least partially covers an upper portion of the saw blade 22. It should be noted the cover 46 covers that upper portion of the saw blade 22 that is within the housing. See Fig. 4 in Reynolds.

Regarding claim 53, Reynolds teaches everything noted above including that the quick-locking member 49 member is a latch.

Regarding claim 54, Reynolds teaches everything noted above including that the housing defines a handle portion gripable by a user and the quick-locking member 49 being connected to the housing 12, 14 near the handle portion. See Fig. 1 in Reynolds.

Regarding claims 56 and 57, Reynolds teaches everything noted above including that the quick-locking member includes a first member connected to the housing 12, 14, a second member 53 connected to the first member and pivotable relative to the first member. It should be noted that the section of the quick-locking mechanism that is attached to the housing and is hinged to the second portion 53 by a hinge 55 defines the first member. Reynolds also teaches a third member 57 connected to the second member and pivotable relative to the second member. Reynolds also teaches that the third member 57 being engageable with the cover 46 to selectively lock the cover to the housing. Reynolds also

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teaches that the third member 57 is engageable by a user to move the third member into and out of engagement with the cover to lock and unlock, respectively the cover from the housing.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 6-8, 10, 15-18, 20, 44, 50-54, and 56-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (DE 298 15 937 U1) in view of Reynolds. Regarding claims 4 and 44, Chen teaches circular saw 1, including a housing 22 and a motor 15 at least partially positioned within the housing and operable to drive a circular saw 14. Chen also teaches a shoe plate 13 connected to the housing and engageable with a surface of a workpiece to support the circular saw upon the workpiece and the circular saw 14 is disposed both below and above the shoe plate 13. Chen also teaches a cover 24, 26 selectively connectable to the housing and the cover at least partially covering the circular saw blade 14 when the cover is connected to the housing 12. Chen also teaches a quick-locking member 34 connected to one of the housing and the cover and engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Chen also teaches that the quick-locking member 34 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which

the housing-locking member is disengaged from the cover and the cover is not locked to the housing. See Figs. 1-2 and entire page 5 in Chen.

Chen does not teach that the quick-locking member is pivotable between the first position and the second position. However, the use of a quick-locking member as a latch that is pivotable between a first position and a second position for locking and unlocking a cover of a box or a housing is well known in the art such as taught by Reynolds. Reynolds teaches a cover 46 selectively connectable to the housing 12, 14 and the cover 46 at least partially covering the saw blade when the cover is connected to the housing. Reynolds also teaches a quick-locking member 49 connected to one of the housing and the cover and engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Reynolds also teaches that the quick-locking member 49 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the housing. Reynolds also teaches that the quick locking member 49 is pivotable between the first position and the second position. See Figs. 1-4 and col. 3, lines 35-68 and col. 4, lines 1-49 in Reynolds. It should be noted that the cover could have a hinge that is connected to the one side of the cover and the housing. In this case, the parts could be arranged in a manner that Reynolds' quick-locking mechanism 49 would be located on the first side of the cover 24, 26 in Chen and the hinge would be located opposite to the first side. This arrangement is well known in the art such as taught by Crane et al. (4,600,396). In addition, it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

It would have been obvious to a person of ordinary skill in the art to replace the quick-locking mechanism for the cover in Chen's circular saw, with the quick-locking mechanism, as taught by Reynolds, in order to remove the cover much quicker and eliminate the time that is needed to loosening the screws or stud bolts in Chen's locking mechanism.

Regarding claims 6 and 51, Chen, as modified by Reynolds, teaches everything noted above including that the cover 46 includes defines a recess and the quick-locking member 49 includes a locking portion 57 engageable with the recess to lock the cover to the housing. It should be noted that the hook 59 of the housing defines a recess that receives the locking member 57 of the quick-locking mechanism 49. See Fig. 1 in Reynolds.

Regarding claims 7 and 52, Chen teaches that the cover 24, 26 at least partially covers a portion of the circular saw blade 14 above the shoe plate 13.

Regarding claims 8 and 53, Chen, as modified by Reynolds, teaches everything noted above including that the quick-locking member 49 is a latch. See Fig. 1 in Reynolds.

Regarding claims 10 and 54, Chen, as modified by Reynolds, teaches everything noted above including that the housing defines a handle portion gripable by a user and the quick-locking member 49 being connected to the housing 12, 14 near the handle portion. See Fig. 1 in Reynolds.

Regarding claims 15, 16, 56 and 57, Chen, as modified by Reynolds, teaches everything noted above including that the quick-locking member includes a first member connected to the housing 12, 14, a second member 53 connected to the first member and pivotable relative to the first member. It should be noted that the section of the quick-locking mechanism that is attached to the housing and is hinged to the second portion 53 by a hinge



55 defines the first member. Reynolds also teaches a third member 57 connected to the second member and pivotable relative to the second member. Chen, as modified by Reynolds, also teaches that the third member 57 being engageable with the cover 46 to selectively lock the cover to the housing. Reynolds also teaches that the third member 57 is engageable by a user to move the third member into and out of engagement with the cover to lock and unlock, respectively the cover from the housing.

Regarding claims 17 and 58, Chen teaches everything noted above including that the cover is a first cover 26 and wherein the circular saw further includes a second cover 24 connected to the housing 22 and disposed between the circular saw blade 14 and the first cover 26. Chen also teaches when the first cover 26 is connected to the housing, the second cover at least partially covering the circular saw blade 14 when the first cover is both connected and disconnected from the housing. See Fig. 2 in Chen.

Regarding claims 18 and 59, Chen teaches everything noted above including that the cover defines a receptacle 40 therein operable to hold fragments of a work piece upon which the circular saw blade is performing work. See Fig. 2 in Chen.

Regarding claims 20 and 60-61, Chen teaches everything noted above including that the cover substantially covers the portion of the saw 14 blade above the shoe plate.

7. Claims 4, 7-8, 10-11, 17-18, 20, 44, 46-49, 52-55, and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Crane et al. (4,600,396), hereinafter Crane, and Reynolds. Regarding claims 4 and 44, Chen teaches substantially the claimed invention except that the quick-locking member is pivotable between the first position and the second position. However, the use of a quick-locking member as a latch that

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is pivotable between a first position and a second position for locking and unlocking a cover of a box or a housing is well known in the art such as taught by Crane. Crane teaches a cover 11 selectively connectable to a housing 12 and the cover 11. Crane also teaches a quick-locking member 19 connected to one of the housing and the cover and engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Crane also teaches that the quick-locking member 19 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the housing. Crane also teaches that the quick locking member 19 is pivotable between the first position and the second position. See Figs. 1-4 and col. 1, lines 15-68. It should be noted that similar to Crane's quick-locking member is used for locking a cover to a housing that holds a saw blade in Reynolds. See Fig. 1 in Reynolds. Therefore, it would have been obvious to a person of ordinary skill in the art to replace the quick-locking mechanism for the cover in Chen's circular saw, with the quick-locking mechanism, as taught by Crane, in order to remove much quicker the cover which covers the saw blade, as taught by Reynolds, and eliminate the time that is needed to loosening the screws or stud bolts in Chen's locking mechanism.

Regarding claims 7 and 52, Chen teaches everything noted above including that the cover 24, 26 at least partially covers a portion of the circular saw blade 14 above the shoe plate 13.

Regarding claims 8 and 53, Chen, as modified by Crane, teaches everything noted above including that the quick-locking member 19 is a latch. See Figs. 1-3 in Crane.

Regarding claims 10 and 54, Chen, as modified by Reynolds, teaches everything noted above including that the housing defines a handle portion gripable by a user and the quick-locking member 49 being connected to the housing 12, 14 near the handle portion. See Fig. 1 in Reynolds.

Regarding claims 11 and 55, Chen, as modified by Crane, teaches everything noted above including a second locking assembly 14 cooperating with the quick-locking member 19 to selectively lock the cover 11 to the housing. It should be noted that the latch 14 is defined as the second locking assembly and the latch 19 is defined as the first locking assembly or the quick-locking member. See Fig. 1 in Crane.

Regarding claims 17 and 58, Chen teaches everything noted above including that the cover is a first cover 26 and wherein the circular saw further includes a second cover 24 connected to the housing 22 and disposed between the circular saw blade 14 and the first cover 26. Chen also teaches when the first cover 26 is connected to the housing, the second cover at least partially covering the circular saw blade 14 when the first cover is both connected and disconnected from the housing. See Fig. 2 in Chen.

Regarding claims 18 and 59, Chen teaches everything noted above including that the cover defines a receptacle 40 therein operable to hold fragments of a work piece upon which the circular saw blade is performing work. See Fig. 2 in Chen.

Regarding claims 20 and 60-61, Chen teaches everything noted above including that the cover substantially covers the portion of the saw 14 blade above the shoe plate.

Regarding claims 46-47, Chen, as modified by Crane, teaches everything noted above including a spring 25 engageable with the quick-locking member to releasably retain the

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quick locking member in the first position. Chen, as modified by Crane, also teaches that the quick-locking member 19 includes an over-center biasing latch 17. See Fig. 1 in Crane.

Regarding claims 48-49, Chen, as modified by Crane, teaches everything noted above including that the housing 12 has a hook member 15, the cover engaging the hook 15 at a first end of the cover and the quick-locking member engaging the cover at a second end of the cover to connect the cover to the housing. Chen, as modified by Crane, also teaches that the cover includes a pin 26 engageable with the hook member 15. See Fig. 1 in Crane.

### ***Response to Arguments***

8. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker (2005/0044728 A1) and Moore et al. (2002/014405 A 1) teach a saw including a housing, a saw blade, and a cover.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-83006.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ghassem Alie  
Patent Examiner  
Art Unit 3724

A handwritten signature in black ink that reads "Ghassem Alie". The signature is written in a cursive style with a large, stylized 'G' and 'A'.

GA/ga

April 9, 2007